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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,338	07/02/2002	Boris Zabarski	56162.000319	8340

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EXAMINER

PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,338	Applicant(s) ZABARSKI ET AL.	
	Examiner Daniel Pan	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/02,03/31/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-20 are presented for examination.

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(a) and (b) as being anticipated by Schlansker et al. (5,850,553).

3. As to claim 1, 6, 11, 16, Schlansker discloses a system including execution of sequence of instructions (see col.6, lines 4-39) at least :

- a) executing a first instruction ($a = OR(t1, t2)$);
- b) identified the outcome satisfied a first condition and setting an accumulative flag result (see the OR gate outcome of [c1] and [c2] in fig.4b);
- c) executing a second instruction [$b = OR(t3, t4)$];
- d) identified whether an outcome of the execution of the second instruction satisfied a second specified condition ($OR(t3, t4)$), and updating the accumulative flag [CB] (see the accumulated condition c in fig.4a and 4b for background) depending either the first instruction or the second instruction satisfied the respective conditions[a,b] (see the end CB condition, see the $error = OR(a, b)$, see the error as CB in col.6, lines 31-36);

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e) executing a third instruction [br comensation_code if error *bypass branch on error] (see col.6, lines 15) based on the value of the accumulative flag [CB] subsequent to the first and second instructions, the accumulative flag was a n outcome of logic OR (see fig.4b CB);

f) a storage for the storing accumulative flag (not explicitly shown, but it must have a storage to latch the output , otherwise, the output would be unstable to compare, see the CB in fig.4a,b);

g) another storage for storing the plural instructions (see fig.6 [504]).

4. As to the "machine language" in the preamble, since no specific format of the machine language has been reflected in the claim body to describe the machine language, it is being treated as a field of use, and it bears no patentable weight. Furthermore, Schlansker 's instruction sequence was a pseudo coding, therefore, it was equally applicable to high level and low level instructions. In other words, either high level language, such as user program, or low level language, such as machine or assembly program, could be implemented based on the pseudo code.

5. Examiner's note : the number of the branch conditions C1-Cn is not limited. For example it could be C1-C2, n=2. In this case, the branch would have been based only on the comparison result of C1 and C2; C1 was the first instruction cmp=(x==error1), C2 was the second instruction cmp(x==error2 (see fig.4a, col.5, lines 45-65 for background teaching).

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6. As to claims 2,7, 12, 17, Schlansker also compared the instructions (see OR comparison).

7. As to claims 3,4, 8,9,13,14,18,19, Schlansker's third instruction was also a branch [br].

8. As to claims 5,10, 15, 20, Schlansker also determined error conditions (see col.5, lines 45-65).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Suzuki et al. (5,371,862) is cited for the teaching of the compound branch conditions (see background teaching in col.2, lines 30-42, and the details in col.8, lines 3-15);

b) Col. et al. (6,647,489) is cited for the teaching of the compare and branch based on the multiple conditions (see col.3, lines 35-45, col.7, lines 21-53, col.8, lines 9-37)

c) Cocke (3,577,189) is cited for the prior art teaching on the determination of branch on multiple conditions (see col.3, lines 16-72) .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

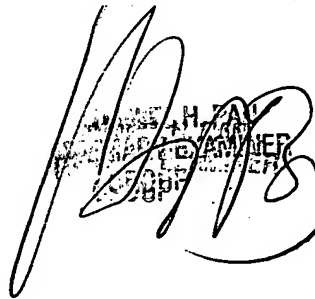
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new

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number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

A handwritten signature in black ink, appearing to be 'H. ZAN', is written over a circular stamp. The stamp contains the text 'H. ZAN' and 'EBC' in a circular arrangement.